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CRT 80-2 List of Exhibits

AGAC Exhibits

1. Computer print-out/crosstabulation analysis - past year
2. Computer print-out/crosstabulation analysis - past five years
3. Mechanical royalty income compared to number of songs commercially recorded on albums in the past year
4. Mechanical.....past five years

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1. CBS revenues and profits chart
2. Estimated financial statistics for the U. S. recording industry 1977-79
3. Chart - return after tax
4. Chart - breakeven analyses
5. Chart - price, variable cost and fixed cost
6. Chart - distribution of sales by release of popular LP's
7. Chart - distribution of sales by release of popular tapes
8. Chart - winners and losers from the sale of a record album - revised
9. Hypothetical example - Breakeven calculation
10. International album sales per capita 1978
11. Securities and Exchange Commission Quarterly Report for quarter ending March 31, 1980 for Warner Communications Inc.
12. Mechanical royalty rate as a percentage of suggested list price 1910-1980 - revised by AGAC
13. Section Two, September 29, 1979 International Buyer's Guide; Billboard
14. No exhibit
15. Warner Communications Inc. press release - record third quarter results in revenues

EXHIBITS INTRODUCED

BY

NATIONAL MUSIC PUBLISHERS' ASSOCIATION, INC.*

<u>Number</u>	<u>Description</u>	<u>Witness</u>	<u>Date</u>	<u>Transcript (Page/Line)**</u>
<u>Direct Examination</u>				
1	Tape recording -- Selections from Volume II of "The Chappell Music Story"	Robinson	5/8/80	12/23
2	Tape recording -- "Throwin' It All Away" and "Can't Do Without It", Songs written and sung by Craig Mirijanian -- "Demo" and commer- cial recording	Robinson	5/8/80	22/3
3	Tape recording -- "Songbird", "Living Without Your Love", "Regrets" and "Your Boyfriend's Got His Eye on Me" "Demo" and commer- cial recording	Robinson	5/8/80	53/20
4	"Hot 100" chart, <u>Billboard</u> , May 3, 1980	Robinson	5/8/80	59/11
5	Tape recording -- "Shadows in the Moonlight" and "You Needed Me" songs written by Charlie Black and Randy Goodrum and sung by Anne Murray	Robinson	5/8/80	77/18

* Some exhibits have been re-numbered.

** Transcript reference is to the first use of exhibit.

<u>Number</u>	<u>Description</u>	<u>Witness</u>	<u>Date</u>	<u>Transcript (Page/Line)</u>
6	Transcript of Testimony, Mr. Tournier, Copyright Tribunal of Australia, April 23, 1979	Tournier	6/3/80	23/16
7	Report of the Inquiry by the Copyright Tribunal [of Australia] into the Royalty Payable in Respect of Rec- ords Generally, December 24, 1979	Tournier	6/4/80	77/16
8	Public Inquiry into Music Royal- ties Payable under Section 8 of the Copyright Act 1956, Report by Mr. Hugh E. Francis, Q.C. (Britain), August, 1977	Tournier	6/4/80	99/12
9	Tape recording -- "Another Brick In the Wall" -- First release by Pink Floyd; "cover" record by rhythm and blues group	Robinson	6/5/80	163/17
10	Standard license form used by The Harry Fox Agency, Inc.	Berman	6/10/80	16/25
11	Copies of licenses issued by The Harry Fox Agency, Inc.	Berman	6/10/80	22/3-4

<u>Number</u>	<u>Description</u>	<u>Witness</u>	<u>Date</u>	<u>Transcript (Page/Line)</u>
12	Statement of position on accounting practices in the Record and Music Industry, sublabelled "Recommendations to the Financial Accounting Standard Board," August 25, 1976	Strauss	6/11/80	6/20
<u>Cross Examination</u>				
13	Transcript of Testimony, Mr. Gortikov, Copyright Tribunal of Australia, August 5, 1979	Gortikov	6/19/80	6/21
14	Letter from Mr. Gortikov to the Hon. John L. McClellan, United States Senator, January 15, 1973	Gortikov	6/19/80	69/23
15	Warner Communications, Inc. -- 1979 Annual Report	Gortikov	6/19/80	101/13
16	Statement of Mr. Gortikov, Copyright Tribunal of Australia, February 28, 1979	Gortikov	6/19/80	137/3
17	CBS Inc. -- 1979 Annual Report	Gortikov	6/19/80	150/18
18	CBS Inc. -- Form 10-Q Submitted to Securities and Exchange Commission for Quarter Ending March 31, 1980	Yetnikoff	6/24/80	131/6

<u>Number</u>	<u>Description</u>	<u>Witness</u>	<u>Date</u>	<u>Transcript (Page/Line)</u>
19	"Faces Behind the Figures: Sweet Music," <u>Forbes</u> , April 16, 1979, p. 148	Yetnikoff	6/24/80	133/13
20	"NARM 1977: Yetnikoff Keynote Stresses Sale Strengths, Problems," <u>Record World</u> , March 19, 1977	Yetnikoff	6/24/80	137/8
21	Harry Fox License Request Form and Letter from Steve Dmytryszyn (CBS), April 16, 1980	Yetnikoff	6/24/80	173/16
22	Harry Fox License Request Form and Letter from Steve Dmytryszyn (CBS), May 6, 1980	Yetnikoff	6/24/80	175/2
23	Harry Fox License Request Form and Letter from Steve Dmytryszyn (CBS), May 6, 1980	Yetnikoff	6/24/80	175/23
24	Omitted from RIAA Table (Yetnikoff)	Yetnikoff	6/25/80	11/23
25	"Warner, Columbia Waging Music War", <u>Washington Post</u> , August 29, 1976, p. H1	Yetnikoff	6/25/80	57/6
26	"Breaking Records in the Record Business," <u>New York Magazine</u> , March 26, 1979, p. 40	Yetnikoff	6/25/80	114/2
27	Financial data submitted by CBS Inc. to Securities Analysts, February 26, 1980	Yetnikoff	6/26/80	128/12

<u>Number</u>	<u>Description</u>	<u>Witness</u>	<u>Date</u>	<u>Transcript (Page/Line)</u>
28	Transcript of CBS Inc. Meeting with Securities Analysts, February 26, 1980	Yetnikoff	6/26/80	128/12
29	"ACM Chief Seeks Block Voting Curb," <u>Tennessean</u> , Nashville, Tenn., May 18, 1980, p. 1	Yetnikoff	6/26/80	152/20
30	Statutory Criteria [Corrections to RIAA Chart]	Cornyn	7/1/80	107/9
31	Sample Warner Bros. Agreement, <u>Practicing Law Institute Handbook</u> , June, 1980, pp. 275-297	Cornyn	7/1/80	108/25 & 109/1-4
32	"WB's Cornyn Goes Outside Music for Creative Arts," <u>Billboard</u> , February 3, 1979, p. 15	Cornyn	7/1/80	127/9
33	"Record Industry's Sales Slowing After 25 Years of Steady Growth," <u>The New York Times</u> , August 8, 1979, p. A1	Cornyn	7/1/80	130/6
34	"Revenues at UCI Leap to 33% Gain," <u>Billboard</u> , February 23, 1980, p. 9	Cornyn	7/1/80	136/16
35	Warner Communications, Inc. 1980 Financial Fact Book	Cornyn	7/1/80	139/2
36	"WCI Survey Projects Steady Record Growth," <u>Billboard</u> , March 29, 1980, p. 1	Cornyn	7/1/80	142/7

<u>Number</u>	<u>Description</u>	<u>Witness</u>	<u>Date</u>	<u>Transcript (Page/Line)</u>
37	"CBS Warns Dealers on Promo Record Sales," <u>Billboard</u> , Febru- ary 2, 1980, p. 1	Solomon	7/3/80	63/4
38	"Tower Records: The Wisdom of Solomon," <u>The Los Angeles Times</u> , June 19, 1980, Part VI, p.1	Solomon	7/3/80	76/8
39	Testimony of Mr. Gortikov in Public Inquiry into Music Royalties payable under Section 8 of Copyright Act 1956 [Francis Inquiry -- Britain]; Novem- ber 23-24, 1976	Gortikov	7/8/80	6/25
40	Edison Cylinder, c. 1905	Gortikov	7/8/80	8/9
41	Series of record advertisements from <u>The New York Times</u> , dated January 2, 1955, January 8, 1956, January 5, 1958, January 7, 1962	Gortikov	7/8/80	15/21
42	Letter from Austra- lian Record In- dustry Associa- tion to retailers	Gortikov	7/8/80	31/22
43	"Music the Answer to Industry Fears, Asserts RIAA's Gortikov" <u>Billboard</u> , September 8, 1979, p. 3	Gortikov	7/8/80	44/3
44	"Exhibit 20" of 1965 CRI Report, p. 823	Gortikov	7/8/80	90/16

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45	Phonograph Record Trust Agreement, November, 1975	Gortikov	7/8/80	107/4
46	American Federa- tion of Musicians, Special Payments Fund Agreement, November 1975	Gortikov	7/8/80	110/4
47	International Bureau of Com- panies/Societies Handling Regis- tration & Mechan- ical Reproduction Rates, Number 907, updated 2/20/80 BIEM/IFPI/1975 Standard Contract, National Agreements [Translation from French]	Thomas	7/10/80	14/17
48	<u>Billboard</u> , June 21, 1980, p. 103	Thomas	7/10/80	63/5
49	"Word Holds Sales Meeting, Establishes Goals for 1980," <u>Cashbox</u> , January 19, 1980, p. 50	McCracken	7/15/80	83/7
50	ABC, Inc. -- 1974 Annual Report	McCracken	7/15/80	94/14
51	Series of licenses issued by The Harry Fox Agency, Inc. to Word, Inc.	McCracken	7/15/80	100/1
52	Advertisement for April - Blackwood Music, <u>Record World</u> , 1980 Annual Direc- tory and Awards issue, July 19, 1980, p. 79	Norman	7/16/80	31/12

<u>Number</u>	<u>Description</u>	<u>Witness</u>	<u>Date</u>	<u>Transcript (Page/Line)</u>
53	Warner Communica- tions, Inc. -- Form 10-K sub- mitted to Securi- ties and Exchange Commission for Year Ending December 31, 1979	Cranston	7/18/80	15/10
54	"Exhibit 19" of 1965 CRI Report, p. 881	Kiser	7/31/80	84/5
55	"June Sales Were Excellent, WEA Chief Droz Reports," <u>Billboard</u> , July 19, 1980, p. 3	Kiser	7/31/80	118/13
56	Revision of RIAA Exhibit KK	Fox	8/1/80	152/15
57	<u>Top LP's chart,</u> <u>Billboard</u> , August 9, 1980, p. 75	Steinberg	8/5/80	64/12
58	"Polygram: Mart Analysis Sees LP Cost Up \$4 by 1986," <u>Billboard</u> , December 24, 1977 p. 3	Steinberg	8/5/80	116/3
59	"Polygram's Presi- dent Conservatively Bullish," <u>Billboard</u> , April 19, 1980, p. 4	Steinberg	8/5/80	117/18
60	"Steinberg likens business operation to insane asylum, <u>Hollywood Reporter</u> March 26, 1980, p. 1	Steinberg	8/5/80	118/10
61	Complete version of RIAA Exhibit RR, (containing nota- tion that computa- tion yields 7% pre-tax return)	Steinberg	8/5/80	

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62	<u>An Introduction to Popular Music Publishing in America</u> , by Leonard Feist, pp. 79-80	Dean	8/6/80	45/5
63	Transcript of Testimony of Walter Dean, <u>CBS v. ASCAP</u> , May 17, 1973, Ap- pendix, pp. 1799, 1800, 1803	Dean	8/6/80	47/2
64	Testimony of Walter Dean, <u>CBS v. ASCAP</u> , May 17, 1973 pp. 1815-1816	Dean	8/6/80	52/17
65	Opinion, <u>CBS v. ASCAP</u> , 400 F. Supp. 737, 770 (S.D.N.Y. 1975)	Dean	8/6/80	56/14
66	<u>CBS v. ASCAP</u> (2d Cir., April 3, 1980) slip opinion, p. 2223	Dean	8/6/80	65/15
67	<u>Clive: Inside the Record Business</u> , by Clive Davis, p. 33	Dean	8/6/80	89/17
68	Knight Report, p. 87	Dean	8/6/80	94/24
69	Knight Report, p. 81	Dean	8/16/80	112/81

CRT 80-2 CBS Exhibits

A-E - CBS contracts or excerpts; July 22, 1980

RIAA DIRECT EXAMINATION EXHIBITS

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C	Statutory Criteria	6/18	37
D	Gortikov Scorecard	6/18	107
E	Copy of Summary Chart Reflecting Percent of Con- sumer Price Made Up of Mechanicals	6/24	63
F	RCA Price List	6/24	63
G	Producing the Best Possible Sound Recording (chart)	6/26	31
H	Chart Reflecting Percentage Change in Number of Warner Brothers Releases By Singer/Songwriters and By Pure Performers, for 1964 and 1979	7/1	13
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L	Cost Increases in LP's Listing at \$7.98	7/3	23

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P	Gortikov Mark-Up of RIAA Membership List		
Q	WCI 1980 Financial Fact Book		
R	Word, Inc. Record Company Cost Increases (1976-1979)	7/15	22
S	GNP Crescendo Records 1980 Catalog	7/15	123
T	Back Cover of "Honky-Tonk Piano" Album	7/15	126
U	Directive from Al Berman, Harry Fox Agency, 12/76, re: New Statutory Language	7/17	18
V	Harry Fox License dated Dec. 30, 1977, Reflecting New Statute	7/17	75
W	WB Estimates of Costs to Implement NMPA Proposal	7/17	79
X	Volatility of Recording Companies' Shares of Number One Singles (Percent of Weeks)	7/22	52

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AA	Recording Company Prices Have Trailed Inflation Since the Early 1960's	7/23	12
BB	The Effect of the Present Mechanical Royalty Rate on the Actual Retail Price of Recordings	7/23	39
CC	The Effect of the "6% of List" Mechanical Royalty Rate on the Actual Retail Price of Recordings	7/23	46
DD	The Effect of the "6% of List" Mechanical Royalty Rate on the Actual Retail Price of Recordings, With \$7.98 List Price Rising to \$8.98	7/23	63
EE	"Ex-Beatle's Music Bonanza: Paul McCartney is Rolling in Notes," <u>Washington Post</u>	7/23	119
FF	Kiser Chart re: Artists' Royalty Accounts Relation to Recording Expenses	7/24	11
GG	CRI Questionnaire to RIAA Members for 1977	7/24	81
HH	Break Even Analysis Information	7/29	67

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NN	CBS Response to Request for Financial Information	8/1	117
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PP	12" Unit Cost to CBS	8/1	224
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2	CBS Annual Report	5/15	32
3	1975 Standard BIEM Contract	6/3	76
4	Statement of Jean-Loup Tournier in Australian Copyright Proceeding	6/4	8
4a*	Schedule 4 From Statement of Jean-Loup Tournier in Australian Proceeding	6/4	17
5	Schedule 3 From Statement of Jean-Loup Tournier in Australian Proceeding	6/4	35
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18	Affidavit of Arnold Kaplan	6/10	106
19	Summary of Information Contained in Exhibits 12-18	6/10	106
20	Report of Commission To Consider the Law on Copyright and Designs (Whitford Report)	6/11	96
21	Trade Press Articles Discussing Erosion of Suggested List Pricing	6/11	103
22	"Berman Ducks No C'Right Questions in L.A.", <u>Billboard</u> , 3/25/78	6/12	61
23	AGAC Contract	5/7	140
24	<u>The Music Publishing Business, 1978-1983</u> (Knowledge Industry Publications), pp. 11, 128	5/7	147
25	"OCMP Stresses Positive Action, Education", <u>Record World</u> , 3/8/80	5/7	164
26	"Attorney for the Defense", <u>Variety</u> , 3/7/79	5/7	167

<u>Exhibit Number</u>	<u>Description of Document</u>	<u>Date of Testimony</u>	<u>Trans. Page No.</u>
27	"Music Publishing in the Seventies: The Truth Hurts", <u>High Fidelity</u> , April 1979	5/8	131
28	"ASCAP and the Music Publisher", <u>Record World</u> , 12/8/79	5/8	132
29	"Pubberies Rapped for Risking Loss of Independence", <u>Variety</u> , 12/5/79	5/14	26
30	Report of the Inquiry by the Australian Copyright Tribunal into the Royalty Payable in Respect of Records Generally	5/14	56
31	"Int'l Royalties Boom to Half UA's Total", <u>Billboard</u> , 2/2/80	5/20	12
32	Excerpts from <u>This Business of Music</u> (1979 Edition)	5/20	50
33	Second Supplementary Statement of Robert Nathan before House Subcommittee, 1966	5/20	59
34	Excerpts of House Committee Report 94-1476, 94th Congress, 2d Sess.	5/20	86
35	Excerpt from Anthony and Reece, <u>Management Accounting Principles</u> (3d Ed. 1975)	5/20	87
36	"Net Rates of Return on Innovations", Report Submitted to the National Science Founda- tion by Robert R. Nathan Associates (October 1978)	5/20	92

<u>Exhibit Number</u>	<u>Description of Document</u>	<u>Date of Testimony</u>	<u>Trans. Page No.</u>
37	Public Inquiry into Music Royalties Payable Under Section 8 of the Copyright Act 1956 (1977) (British Proceeding)	5/20	95
38	"The Record Industry: Meltdown in the Wax Factories", <u>New York Magazine</u> , week of 8/13/79	5/20	149
39	Foreign Licensing and Mechanical Income (Chart)	5/20	8
40	Many Songwriters Have Minimal Music-Related Income Because Their Songs Aren't Recorded (Chart)	6/17	134
41	Excerpt from <u>BNA Daily Report For Executives</u> , 6/12/80, at A-1 - A-3.	6/17	159
42	A Handful of Singer/Songwriters Collect Half the Mechanical Royalties (Chart K)	6/17	122
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Additional Material

CRT 80-2 Additional Material

RIAA letter of July 17, 1980 re CRI's Financial Survey of Recording Companies